

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Maurice Talley,
Plaintiff,
v.
Benjamin Estill,
Defendant.

Case No. 2:22-cv-01381-JAD-EJY

ORDER

(ECF No. 1)

I. DISCUSSION

On August 25, 2022, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted an incomplete application to proceed *in forma pauperis* (“IFP”) together with a Civil Rights Complaint under 42 U.S.C. § 1983. ECF Nos. 1, 1-1. Plaintiff’s IFP application is incomplete. Plaintiff fails to include his inmate trust fund account statement for the previous six-month period. Even if Plaintiff has not been at the NDOC facility a full six-month period, Plaintiff must still submit both a financial statement and an inmate account statement for the dates he has been at the facility. 28 U.S.C. § 1915(a)(2); Local Rule LSR 1-2.

Specifically, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court:

- (1) a completed **Application to Proceed *in Forma Pauperis* for Inmate**, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
 - (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and
 - (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

Id.

II. ORDER

IT IS HEREBY ORDERED that Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is DENIED without prejudice.

IT IS FURTHER ORDERED that on or before **December 2, 2022**, Plaintiff must either pay the \$402 filing fee for a civil action or file with the Court: (1) a complete **Application to Proceed *in Forma Pauperis* for Inmate** on the Court's approved form; (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

IT IS FURTHER ORDERED that failure to either pay the \$402 filing fee or file a complete application to proceed *in forma pauperis* on or before **December 2, 2022**, will result in a recommendation to dismiss this action **without prejudice**. A dismissal without prejudice allows Plaintiff to file his case with the Court, under a new case number, when he is able to comply with LSR 2-1 and file a complete application to proceed *in forma pauperis* or pay the required filing fee.

IT IS FURTHER ORDERED that the Court will retain Plaintiff's Complaint (ECF No. 1-1), but will not file it at this time.

IT IS FURTHER ORDERED that the Clerk of the Court must send Plaintiff the approved form application to proceed *in forma pauperis* for inmate along with the information and instructions for filing the same.

DATED this 2nd day of November, 2022.

Elayna J. Youschah
ELAYNA J. YOUSCHAH
UNITED STATES MAGISTRATE JUDGE